

Vogt would betray his hiding place through his love of her.

Connolly was selected to run down the murderer of Mrs. Guth because he was acquainted with Vogt, having often seen him at his place of employment. He was transferred from the West 68th street station to the staff of the District Attorney's office, and at once set about to trail Mrs. Vogt, who was a cook in a restaurant in West 125th street.

Shortly before 9 o'clock last night, Connolly, who had concealed himself in a doorway across the street from the restaurant, saw Mrs. Vogt leave the place on her way home. The woman walked leisurely toward Third avenue, followed by Connolly, as he had done a dozen nights before.

When Mrs. Vogt boarded a south-bound elevated train the detective sat across the aisle. The woman left the train at the 23d street station, with Connolly behind her. Reaching the street the wife walked down Third avenue, with Connolly dodging in and out of doorways, convinced he was close upon an arrest in a case which had baffled the entire Police Department for days.

Just as Mrs. Vogt reached 22d street Connolly saw a man step from a darkened hallway and take her by the arm. The two walked off together, and Connolly, walking to the side of the man, peered into his face.

Vogt Gives Battle in Street.

Satisfied the man was Vogt, Connolly placed his hand on the man's arm and said:

"Well, Oscar, I guess I've got you. You may as well come along with me. You know what I want you for."

Quick as a flash Vogt turned and recognized Connolly. With a lightning-like movement he brought up his right hand and landed a stunning blow on the detective's jaw, sending him reeling backward.

Connolly barely had time to regain his balance before the man drew a razor and lunged viciously at Connolly's throat. The blade missed its mark narrowly, and the next moment the two men were engaged in a fierce struggle for the weapon.

Connolly, trained in the art of Jiu-jitsu, gripped Vogt's right hand and twisted the wrist backward, compelling him to drop the razor. Vogt, though a frail looking man, was a demon in strength, and while Connolly was still wrestling with him he kicked the detective in the abdomen, causing him to double up with pain.

Seeing his prisoner was desperate and fully a match for him, Connolly drew his revolver and fired into the air to intimidate Vogt. It only had the effect of making the man more determined to escape, however, and instead of submitting, Vogt stooped and again grasped the razor.

He rushed toward Connolly, flourishing the razor and making savage lunges. Connolly then fired point-blank at the man's head, the bullet entering the right temple and ploughing a furrow through the flesh, but not piercing the brain. The shock of the wound stunned Vogt, and he fell to the curb, his head striking with great force the stone flagging and cutting a gash in his scalp.

By this time a great crowd had collected about the struggling pair, and somebody sent in a call to the East 22d street station for the reserves. Mrs. Vogt disappeared in the meantime. After Dr. Proctor, of Bellevue Hospital, treated Vogt, he was hustled to the prison ward, where his injuries were said to be slight.

Refuses to Admit Killing.

Surrounded by detectives, Vogt sat on a bench in the hospital and eyed them calmly. A dozen times he shook his head when asked to tell how he had killed Mrs. Guth. He refused to be trapped into any statement which would show he had been responsible for her death.

The chief said he had left New York and gone to Hoboken a few hours after the murder. He remained in hiding across the river until December 10, he said, and then returned, taking a furnished room at No. 416 Third avenue.

Knowing the police of the entire city were looking for him, the chief only left his room after nightfall, to meet his wife, who continued to work in the Harlem restaurant. After these brief strolls with her Vogt would again retire to his room, reading newspaper accounts of the murder.

After Vogt had been locked up on a charge of homicide, George Palmer, of No. 208 East 21st street, walked into Bellevue Hospital and asked to be treated for a bullet wound in the left hip. He said he was present when Connolly and Vogt were fighting in the street, and that the first bullet from the detective's revolver hit the side-walk and, glancing up, had struck him. The wound was slight.

Mrs. Agnes Guth, a milliner, known to her customers as "Mme. Agnes," was slain in her home, at No. 206 West 84th street, December 5. She was found by her son August, and the room told of a desperate struggle. Chairs were overturned, and a strand of dark brown hair, tightly clutched in one hand, was evidently torn from the head of her assailant. The body was found lying on the bed wrapped in blankets, with four knife wounds in the chest.

August Guth and another son had their mother's body cremated. It is their intention to take the ashes to Switzerland, Mrs. Guth's native country. When the sons learned of the murder they declared that until they left for Switzerland they would spend every minute in trying to find the man who committed the murder.

Mrs. Harriman Lays Church Tile

(By Telegraph to The Tribune.)
Binghamton, N. Y., Dec. 16.—A tile pavement is being placed in Christ Church, at Cooperstown, the gift of Mrs. E. H. Harriman, in memory of her great-grandfather, James Averill, and his descendants. The pavement of the church consists of red unglazed tiles for the choir, while the arrangements in the sanctuary are more elaborate, being reproductions of medieval times. Especially interesting is one of quaint design, inscribed in Latin with a quotation from the 46th Psalm: "There is a river, the streams whereof shall make glad the city of God."

CARDINAL RAMPOLLA DIES AT AGE OF 70

End Comes at Rome to Pope Leo XIII's Trusted Secretary of State.

FAVORED FOR PAPACY BY VOTE OF CONCLAVE

Austria, However, Exercised an Ancient Prerogative and Forbade Ratification of Choice.

Rome, Dec. 16.—Cardinal Rampolla, former Papal Secretary of State, died to-night.

He was not known to be ill, but had several times suffered from serious attacks of influenza, similar to the ailment which has afflicted the Pope. It was Cardinal Rampolla who celebrated the Te Deum at Rome on May 11 in thanksgiving for the recovery of the Pope.

Mariano Rampolla, Marquis del Tindaro, was appointed Secretary of State by Pope Leo XIII, and at the conclave in 1903 for the election of a successor to Pope Leo was the predominant figure until Austria exercised an old prerogative, the right to enter an objection to the election of a given candidate for the Papacy. Cardinal Rampolla led on the first and second votes.

Of late Cardinal Rampolla has been mentioned as a possible successor to Pope Pius X. He was born at Polizzi, Sicily, in 1843, and was created and proclaimed Cardinal on March 14, 1887. He was Archbishop of St. Peter's and Secretary of the Congregation of the Universal Inquisition.

Since the conclave of 1903 Cardinal Rampolla has lived in retirement in the Palace of St. Martha, just behind St. Peter's, devoting his time to the departments dealing with matters of doctrine, dogma and internal administration of the Church, while holding aloof from affairs pertaining to the foreign relations of the Holy See.

No figure in ecclesiastical Europe since the time of Leo XIII could compare in brilliance of achievement and power of personality with Cardinal Rampolla, and his almost tragic defeat in his candidacy for the papal throne served only to increase his hold upon the affections and confidence of adherents. His practical retirement from the world following the defeat in 1903 gave to his already great hold on the imaginations of his followers a final halo of mystery.

Of Noble Sicilian Family.

Mariano Rampolla del Tindaro belonged to a noble Sicilian family. He was born at Polizzi, in the diocese of Cefalu, August 17, 1843, and was raised to the Sacred College by Leo XIII in 1887, with the title of Santa Cecilia. He was also Secretary of State to His Holiness, prefect of the Sacred Congregation of Rites and president of the commission of cardinals for the administration of the property of the Holy See. He was also protector of numerous monastic orders, both foreign and Italian.

In 1887 he was nominated Secretary of the Propaganda for matters connected with the Oriental rite. In 1882 he was made Archbishop of Heraclea and sent as Nuncio to Spain, where he won general esteem and veneration, so much so that his promotion to the rank of Cardinal and his subsequent departure from Spain caused much regret to the court, government, clergy and people. He was promoted soon afterward to the post of Secretary of State, when his great diplomatic work began.

To Catholics as well as to people of other religious denominations one of the most remarkable spectacles in Church history was that of Leo XIII acting as arbitrator between a purely mundane controversy between a power that had always been regarded as a principal stronghold of Catholicism and one that occupied an analogous position with regard to the Protestant Church.

The Pope was invited to assume this role not by the King of Spain, but by the Lutheran Emperor William and his Chancellor, Prince Bismarck. The idea of the Pope sitting in judgment with two great powers at his feet was one calculated to raise the prestige of the Papacy to a height unknown in recent times, and served to demonstrate that during the pontificate of Leo XIII the Holy See had lost little of its incalculable influence over the various nations of Europe.

Rampolla's Great Triumph.

It was to Cardinal Rampolla that the Pope was mainly indebted for the request to arbitrate the conflict between Germany and Spain on the subject of the possession of the Caroline Islands. Realizing, as did Premier Canovas, that it would be preferable for the invitation to come from Berlin, instead of from the Spanish government, Cardinal Rampolla availed himself of his friendship with the German Crown Prince to intimate that the Emperor William to appoint the Pope to act as arbitrator. King Alfonso would gladly accept the decision.

Bismarck at once perceived the advantages of the project, and acceded to the proposal. The invitation for the Pope's arbitration reached Rome in due course, the Pontiff not learning until afterward the part played by Cardinal Rampolla in bringing about so great a tribute to the Church.

It was entirely owing to Rampolla's intervention that the Conservative Prime Minister, Canovas, although in the possession of a parliamentary majority in the Madrid Parliament, resigned his office to Señor Sagasta, with the patriotic object of strengthening the tottering regency and of causing the Liberals to become the guardians of the throne, instead of joining the Republicans. The present loyalty of the Church in Spain to the reigning dynasty is entirely due to the Cardinal's policies.

The power and influence he wielded in the last years of Leo's long pontificate led to numerous collisions against him and to his final downfall. Like another Cardinal Richelieu, he possessed the "grand manner" in a remarkable degree and was endowed with all the courtesy of the well bred Italian. During the ten years following his dramatic exit after the conclave of 1903 he took no part in the administration of affairs at the Vatican, confining his attention solely to his duties as a cardinal priest in Rome.

His peculiar attributes served to keep around him to the last an ardent circle of worshippers. It had been said that if ever there was a man fitted to fill the blank in Carlyle's gallery of world's heroes Rampolla would find a place there in the



CARDINAL RAMPOLLA.

capacity of "Hero as Priest." He was called, on authority, "the best misunderstood man in Europe."

OVER A BILLION SEIZED BY VILLA

Continued from first page.

sible favors be shown them. Not to be outdone in courtesy, the rebel customs men, acting in a similar spirit, permitted many of the trunks of the refugees to pass unopened on the Mexican side.

The result, it is said, is that the Spaniards arriving last are able to divide funds with their less fortunate comrades and that the colony now here is far from penniless.

General Benavides, left by Villa in command at Juarez, said to-day that he considered Villa's hostility to Spaniards was based on a conviction that Spanish merchants of Chihuahua had aided the Federal troops and had taken a strong stand in favor of Huerta, and so were considered by Villa as active enemies of the revolution. Benavides was confident that with the Spaniards eliminated and with certain suggestions which have been made to Villa the future attitude of the rebels toward foreigners would harmonize with the desires of other countries.

Raoul Madero, a young brother of the late President, may be appointed chief of staff to Villa and as an adviser in civic and diplomatic functions of government, it is announced.

MEXICAN EMBASSY DENOUNCES VILLA

Declares Rebel Leader's Record of Crime Is Notorious—Cardinals Starts on Mission.

(From The Tribune Bureau.)

Washington, Dec. 16.—George Carothers, the American consular agent, instructed to proceed to Chihuahua, and to tell General Villa, the Constitutionalist leader, that this government looks with disfavor on his conduct, is reported to have left El Paso for his destination. Transportation is slow, and it will probably take Mr. Carothers more than a week to reach Chihuahua. In the mean time, the State Department has been waiting for further information as to precisely what has happened in Chihuahua. The wires are down and communication is interrupted.

The State Department was informed to-day that Manuel Madero, a relative of the murdered President of Mexico, was removed from Vera Cruz to Mexico City under heavy guard last Saturday.

In an official statement the Mexican Embassy here came out to-day in an attack on Villa. It is one of the few statements issued from the embassy during the difficulties between the United States and the government of Huerta, and is as follows:

"Official advice received at the Mexican Embassy from its consulates along the border fully bear out the stories of atrocities and wanton acts of vandalism committed by the rebel chieftain Villa on his occupation of the city of Chihuahua last week. This brutal attitude has caused no surprise to such as are familiar with Villa's record of crime, for his extradition on a charge of robbery was requested by this embassy last March and granted by the Department of State."

"Villa, like Zapata in the south, is the prototype of the rebel chieftain, who, under the plea of righting wrongs and of bettering the political order of things in the republic, is engaged in a nefarious work of wholesale looting, murdering and impeding foreign lives and interests, which for so many years have been amply safeguarded by former governments in Mexico."

"In this connection the embassy would call the attention of the thinking public to the marked contrast presented by the solicitous care with which the government of General Huerta, despite the overwhelming handicaps under which it has been laboring, has accorded and continuously strives to accord due protection to the lives and properties of foreign residents, it being a notable fact that not a single act of violence against foreigners or their interests has been attributed to Federal commanders or their soldiers."

"The recent splendid victories achieved by the Federal forces at Torreon and Tampico, coupled with the horrors perpetrated under the guise of 'constitutionalism' are gradually revealing the true state of affairs to the public, which has been basing its judgment on that portion of the press of this country always eager to print sensationalist, rather than on the statements of well versed persons and the enlightening articles appearing under the signatures of writers of political and international reputation."

The Spanish Ambassador has expressed the heartfelt thanks of his government for the attitude taken by the United States toward Spanish refugees from Chihuahua. Similar action has been taken by the Spanish Minister in Mexico, who requested Nelson O'Shaughnessy, the American Chargé d'Affaires, to thank the American authorities at El Paso for the kindness shown to Spanish refugees.

All addresses to the State Department to

day say that foreigners generally at Chihuahua, with the exception of Spaniards, have been respected.

Inferences that by appealing to General Carranza the United States had recognized the Constitutionalist were pronounced false by Secretary Bryan, who pointed out that the United States had from time to time dealt with the military authorities in control of various sections.

Reports to the Navy Department to-day said that the battleship Ohio would be delayed ten days at sea on account of two cases of smallpox aboard, and that the battleship Michigan would remain in Mexican waters until the Ohio relieved her.

HUERTA MAKES A THREAT

Mexico To Be Independent or Something Will Happen.

(By Cable to The Tribune.)

Mexico City, Dec. 16.—President Huerta, at a country dinner given yesterday by Señor Lozano, Minister of Communications, said in a speech:

"I promise you something very simple and very great—the right to live independent. We will live independent, cost what it may. I promise you with all my heart and soul that if any one seeks to impair the independence and integrity of the nation the present century will witness something very great and very extraordinary."

Before Congress adjourned its first session yesterday it received from the Executive the budget for the coming fiscal year, 1914-15. It showed proposed expenditures of 152,294,888 pesos. Congress will discuss the budget in the spring session, which will open on April 1.

MADRID BANK SAVED

The Spanish-American To Be Tided Over Its Troubles.

(By Cable to The Tribune.)

Madrid, Dec. 16.—After conferences lasting several hours between the directors of the Spanish-American Bank, the Banco de España, a number of bankers from different cities and a representative of the Minister of Finances, it was announced to-day that the Banco de España, the leading institution in the country, will come to the rescue of the Spanish-American Bank and will furnish sufficient funds for its reorganization.

This decision was taken in view of the fact that the suspension of the bank would cause very serious embarrassment to more than four thousand firms and that a large number of failures would follow.

TO PAY PRINCESS'S DEBTS

Belgian Government Will Hand Over Some \$900,000.

Brussels, Dec. 16.—The creditors of Princess Louise of Belgium, daughter of the late King Leopold, who have entered claims against the princess amounting to \$2,200,000, have agreed to the withdrawal of the case from the courts and to abide by the arbitration of two eminent lawyers, to whom the government will hand over \$900,000 for equitable distribution after an examination of the claims.

HOUSE MOOSE FOR WILSON

Pledge Him Support on Direct Presidential Primaries.

Washington, Dec. 16.—Progressives in the House adopted a resolution to-day declaring that they view with interest the "deathbed repentance" of the Republican leaders for the sins of the late Republican National Convention and their present hypocritical offer of reform in representation at future conventions.

"But," the resolution adds, "we call attention to the fact that reform of the national convention does not touch the fundamental differences between the Progressive and Republican parties and that in all probability Presidential candidates hereafter will be nominated not by convention, but by direct vote of the people."

"We accept with profound gratitude President Wilson's endorsement of the Progressive principle of direct Presidential primaries and pledge to him our support."

QUIT IRISH-AMERICANS

Ryan and Cahill Resign from Athletic Club.

Patrick J. Ryan, who has no equal as a hammer thrower, and James J. Cahill, the junior metropolitan champion with the 56-pound weight, it was learned yesterday have resigned as members of the Irish-American Athletic Club. Ryan was recently awarded a life membership in recognition of his achievements with the leaden ball.

Both athletes are disappointed with the lack of fraternal spirit shown by several officers of the club. Cahill recently had some trouble on his hands, and when the Irish-American officials did not come to his aid he believed they had slighted him. It is said that Ryan and Cahill have been offered tempting jobs in Chicago.

When the matter was broached to several members of the Winged Flat club last night they refused to discuss it.

WIFE SUES G. Y. BAUCHE

Asks Reno Divorce—\$100,000 Said To Be Settlement.

(By Telegraph to The Tribune.)

Reno, Nev., Dec. 16.—Mrs. Florence Fyles Bauche, of New York City, formerly Mrs. Florence Fyles, of No. 70 West 74th st., where her parents live, has instituted divorce proceedings against George Young Bauche, a New York lawyer. It is said that Bauche will not contest the case and that financial settlement was effected before her departure for Reno, last May.

George Young Bauche is a lawyer and president and director of the Gotham Mortgage Company. Mr. Bauche, who is thirty-six years old, is well known as a first nighter and a liberal patron of sport. He inherited a large part of the fortune of George Young, his grandfather, who died in 1908.

It is said that he will not oppose his wife's wishes in the matter of a divorce, and rumor places the amount he is willing to settle on her at \$100,000. It is understood that no alimony will be asked for.

Mercado's Family Quits Mexico.

Ojinaga, Mexico, Dec. 16.—The family of General Salvador Mercado, Federal military commander in the North, crossed to the United States at Presidio, Tex., to-day. Its members were among the refugees who accompanied the Federal troops from Chihuahua. General Mercado could not be found at headquarters.

DECIDE TO HOLD NO CONVENTION

Continued from first page.

be true; that the delegates to such a convention would be selected by the politicians, not by the rank and file of the party.

"I believe that the rank and file of the Republican party is progressive," declared the Senator from Idaho, "and if I did not believe it I would not be here. I would leave the party immediately. But it is the rank and file of the party in which I have faith, and I would have no faith in any national convention which did not represent that rank and file. For that reason I maintain that such a convention as has been proposed would be a farce and would not represent the sentiment of the party."

"On the other hand, I do insist that this committee shall adopt progressive principles, shall provide for the recognition of state primary laws and for the curtailment of the Southern representation, its action being subject to the approval and ratification of the state conventions, whose delegates will be elected by popular primaries, for I am certain that if this committee takes the action I urged there will be no Republican, or possibly Republican, state which will not have primary laws before the time comes to elect delegates to the conventions which will be called upon to ratify our action here."

Senator Borah was followed by Mr. Goodrich, of Indiana, who urged an early convention in a speech in which he declared that there were only two Republicans in Indiana, so far as he was informed, who did not favor an early special convention, saying that they were both in the room. He referred to ex-Senator Hemenway and ex-Representative Watson.

Committee at Work on Details.

A committee was appointed to draft the details of the reapportionment plan for submission to the whole committee to-morrow. This committee met to-night to work out the new system. It consists of Senator Smoot, of Utah; Senator Borah, of Idaho, who holds the proxy of the Idaho committee; William Barnes, Jr., of New York; ex-Governor Hadley of Missouri, who has the Louisiana proxy; R. B. Howell, of Nebraska; E. W. Estabrook, of New Hampshire; ex-Senator Newell Sanders, of Tennessee; and Charles B. Warren, of Michigan, Chairman Charles D. Hilles being an ex-officio member.

Earnestness characterized the discussion of the two propositions, but there was a conspicuous absence of any bitterness. The lines of the so-called regular and progressive factions of the party being freely broken, with the result that apparent harmony prevailed throughout the day.

Behind the opposition to a special convention in 1914 lurked the fear that discord and conflict would develop as a result of the split in the party at the Chicago convention. For this reason more than any other, including the legal and technical possibilities of such a plan, "neutral" members of the committee were moved to oppose the convention proposed for next year.

The vote on the special resolution was as follows: For convention—Indiana, Kansas, Louisiana (Governor Hadley), Massachusetts, Michigan, Missouri, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Washington and West Virginia—14.

Opposed to convention—Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin and Wyoming—35.

Reapportionment Plans Submitted.

Before the vote was taken there were speeches in behalf of each side of the proposition and several plans were submitted for the reapportionment of delegates to the regular national convention. One of these plans, presented by Robert M. Marsh, of the Young Republican Club of New York, provided that there should be four delegates-at-large from each state; one delegate from each Congress District where the Republican vote is between 20 and 40 per cent of the total; two where the Republican vote is more than 40 per cent of the total, and that each state having a Representative-at-large shall have one delegate. This plan would reduce the number of delegates from 1,078 to 931.

The "compromise" of Charles B. Warren, of Michigan, chairman of the Law Committee, met with much favor, his scheme being the referendum, after the national committee had fixed the apportionment, the states being eligible to take part in the ratification being those whose combined vote equalled two-thirds of the Republican vote of 1908.

"The problem," said Mr. Warren, "is to prevent the continued division of the members of the party. Let us administer our own corrective. Let us not permit the Democratic party to use a position gained solely by division in our ranks to destroy the good our party has done the nation."

"No one should expect representation to be determined by rules providing for absolutely equal representation. But when one state sends one delegate to a national convention for every 1,054 votes cast for the Republican candidate for the Presidency in the preceding election, and another state one delegate with but an equal vote and vote for every 10,208 votes cast; when one state sends one delegate for every 887 votes and another a delegate for every 10,861; when one sends a delegate for every 447 votes and another a delegate for every 11,186 votes; when one state sends a delegate for every 220 votes and another state a delegate for every 11,633, all must know that such a method and such a system must cease."

Senator Jones made a conciliatory speech, and announced that while he

avored a special convention, the main idea was to get together.

"We cannot afford," said the Washington Senator, "to wait for something to turn up as a consequence of Democratic legislation. I believe that we must show that we are a progressive and militant party. The result in 1916 is not less important than that we have a Republican House and Senate in 1914, that we may be able to block further legislation which will work further injury to the country."

HOBBART'S LID DOWN TIGHT

No Scholarships or Aid for Students Who Drink.

(By Telegraph to The Tribune.)

Geneva, N. Y., Dec. 16.—As a result of the escape of three Hobart students, who released the brake on a store window on Saturday night, President Powell to-day ruled that hereafter any student who uses intoxicants will receive neither scholarships nor financial aid from the college.

President Powell expressed a determination to drive the liquor evil from Hobart. All night banner "scraps" and college dances also are prohibited.

E. T. DANA TIRES OF TOIL

Longfellow's Grandson Finds Philosophy Pays Better.

(By Telegraph to The Tribune.)

Cambridge, Mass., Dec. 16.—Edmund Trowbridge Dana, Harvard doctor of philosophy and grandson of Henry W. Longfellow, has given up his fight to make a living as a toiler in the everyday occupations of life and has returned to educational work. The young man, who possesses radically socialistic ideas, has accepted a professorship of philosophy and education at Washington College, Chestertown, Md.

During the last year Dana has worked as stoker, farmhand, trolley conductor and reporter. The unusual ritual which joined Dana and Miss Jessie Halliday in a socialistic marriage a year ago caused wide interest.

LIGHT FAILED TO ENLIGHTEN JUDGE

Magistrate Barlow Tested Glare of Auto Lamps While Flash-lights Popped.

Dwellers in 57th street, near Lexington avenue, were startled last night by explosions of flashlight powder from moving picture machines and newspaper camera artists. This unusual event in the neighborhood was occasioned by a desire to learn how far Magistrate Barlow, of the Yorkville court, would proceed in his threatened inquiry into violations of the automobile law.

Clifford Schaeple, of Brooklyn, was arrested yesterday by Motorcyclic Patrolman Guideman, of the traffic squad. Guideman said that the lights of Schaeple's limousine which he arrested in its flight were too brilliant and contrary to the law's edicts.

Mr. Schaeple said he would leave the problem of alleged brilliancy of motor car lights to the court. Magistrate Barlow invited him to put the question to an open test. It was held in 57th street, with an interested audience.

Magistrate Barlow arrived on the scene attired in evening costume, as he was about to attend a silver wedding of a friend at a neighboring cafe. Sergeant Daniel Fogarty told him that the scene was all set. Motorcyclic Patrolman Guideman was present. So was the defendant.

The magistrate said: "Tell him" (meaning the chauffeur of the offending vehicle) "to drive a block or two."

The chauffeur did. "His auxiliary lights are too bright," said the magistrate. "Look at mine."

The magistrate had a large car waiting for him at the curb.

"This man's subsidiary lights are brighter than my front lights," he was heard to observe.

A moving picture man then fired on the entire assemblage. Reporters besieged the magistrate. Edging toward the automobile, he contented himself with saying: "I am no Solomon. I am sorry you are morning newspaper men. The decision will be given out to you conferees, the afternoon men. I can't decide now just who is to blame."

Magistrate Barlow signed with evident relief as his chauffeur pushed into the high speed.

SEES A DEMOCRATIC SPLIT

Bird Predicts Birth of Conservative and Liberal Parties.

Francis W. Bird, county chairman of the Progressives, declared last night at a dinner for Assemblyman Michael Schupp, of the 31st District, that the Republicans were looking about for a conservative leader to make themselves the conservative party of the nation, and that the Progressives should look to the liberal wing of the Democratic party for support. The Democrats, he said, would soon split, leaving the country divided into liberal and conservative parties, which would be a natural division.

Justice Samuel Seabury, of the Supreme Court, said that no one could foresee how the new primary act or workmen's compensation law would work. He asserted the Progressives must secure preferential primaries. He expected a movement for the appointment, instead of election, of judges, and said this should be "opposed by the Progressives with all their power." He favored proportional representation in constitutional conventions.

FUSION LAUDS LIVINGSTON

1,000 at Dinner Thank Kings Leader for Efforts.

More than a thousand attended the Republican dinner held at the Arcadia, in Brooklyn, last night and voted to extend thanks to Election Commissioner Jacob Livingston, chairman of the Republican executive committee in Kings County, for his work in the fusion campaign. Mr. Livingston was accompanied to his place as guest of honor by a full-dressed elephant of many colors. Congressman William M. Calder was toastmaster.

Mayor-elect Mitchell was the first to speak, testifying to the "excellent work done by Mr. Livingston in the cause of good government in Kings County." Among the other speakers and guests present were Mayor Kline, ex-Governor Odell Job E. Hedges, Controller Prendergast, District Attorney Whitman, Borough President Founds, George McAneny, Justice Crane, Justice Kelly, Judge Lewis Fawcett, Justice Maddox, Sheriff Law, Borough President Cronwell, Judge Dike, Coroner Wagner, Coroner Senior and Samuel S. Koenig.

M'CALL PLEDGES MITCHELL SUPPORT

Mayor-Elect and P. S. C. Head Side by Side at Feast.

BOTH MEMBERS OF SAME COUNCIL

Defeated Candidate for City Head Tells Successful Rival All Will Uphold Him.

John Purroy Mitchell, Mayor-elect, and Edward E. McCall, defeated candidate for Mayor, sat side by side last night at a dinner at the Waldorf-Astoria of Corvican Council, 705, Knights of Columbus. It was the first time the two candidates had met since Election Day, and they did everything in their power to